

FILED

*United States District Court*

MAR 28 2008

MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.  
CRIMINAL COMPLAINT

v.

CASE NUMBER: **2:08mj21-WC**

NICHOLAS AUGUSTINE GASPAR

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 21, 2008 in Butler county, in the Middle District of Alabama defendant did, (Track Statutory Language of Offense) knowingly possess with intent to defraud 15 or more devices which are counterfeit or unauthorized access devices,

in violation of Title 18 United States Code, Section(s) 1029

I further state that I am an agent with United States Secret Service and that this complaint is based on the following facts: Official Title

See attached Affidavit

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

March 28, 2008 at Montgomery, Alabama  
Date City and State

WALLACE CAPEL, JR., U.S. MAGISTRATE JUDGE  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT**

I, Trevor Fenwick, being duly sworn, deposes and says:

1. I am a Special Agent with the United States Secret Service ("USSS"), assigned to Montgomery, AL. I have been employed with the USSS since 2000. The USSS investigates, among other things, crimes involving access device fraud and identity theft, the offenses at issue here. Based upon my training as a Secret Service agent and experience to date, I am familiar with the means by which individuals use false identity, computers, data capturing hardware and software, and information networks to commit various criminal offenses including access device fraud and identity theft.

2. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement agents and witnesses, and the review of documents and records. During the course of the investigation, I have become familiar with the following items.

3. I submit this affidavit in support of an application for an arrest warrant of Nicholas Augustine GASPAR.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause of violations of 18 U.S.C. § 1029(a) (1) (2) (3) (5), 18 U.S.C. § 1028A(a)(1), and 18 U.S.C. § 1344 (1) (2). Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part.

**THE INVESTIGATION AND PROBABLE CAUSE**

7. Other law enforcement agents and I have been involved in an investigation of Nicholas Augustine GASPAR and fraud and related activity in connection with 45 counterfeit access devices all of which contain account numbers belonging to numerous individual victims and financial institutions.

8. On 03/24/08, the Montgomery Office of the USSS received an investigative referral from Cpt. Randy Courtney of the Greenville Police Department (GPD), 119 E. Commerce Street, Greenville, AL 36037, Tel: 334-382-7461.

9. Cpt. Courtney advised that on 03/21/08, GPD Sgt. Disney had arrested a suspect and California resident by the name of Nicholas Augustine GASPAR, DOB [REDACTED], SSN: [REDACTED] 4, CA OLN: [REDACTED] (Exp. 01/17/2009), 2739 Lincoln Lane, Antioch, CA 94507. Reference is made to GPD report #08-030875.

Cpt. Courtney stated that suspect Gaspar had been stopped while traveling Northbound on I-65 between exit 128 and 130 after having sped past Sgt. Disney's Patrol vehicle at a "very high rate of speed" in the early hours of the morning. Sgt. Disney had reported that Gaspar was driving an AVIS rented 2008 Cadillac DTS, Louisiana Tag #N233142, red in color. According to his police radar, Sgt. Disney reported that suspect Gaspar's vehicle was traveling at "103 MPH" and so he initiated a traffic stop.

Upon approaching the vehicle, Sgt. Disney reported smelling a "strong odor of marijuana coming from the car". Sgt. Disney then asked suspect Gaspar if he could look in his car. Suspect Gaspar responded, stating "surf", and voluntarily consented to a search of his rented vehicle (this vehicle was later identified as having been purchased by Gaspar using an alias identity, counterfeit driver's license and using a counterfeit credit card).

Sgt. Disney advised that within Gaspar's vehicle, he observed "two marijuana joints in the ash tray with zig zag rolling paper". Upon search of the trunk, Sgt. Gaspar reported finding a "glass smoking pipe" located within a bag. Sgt. Disney stated that suspect Gaspar admitted the "marijuana and paraphernalia was his". Furthermore, 45 counterfeit credit / debit cards (later confirmed as containing legitimate compromised financial banking and credit union accounts) were also found hidden within a shoe in the trunk amongst several items of new clothing, some with tags still intact, which Gaspar also claimed were his.

On 03/25/08, I performed an online NCIC / NLETS check against suspect Gaspar. The searches returned no known wants/warrants and detailed the Gaspar's rented vehicle VIN #1G6KD57YX8U175353 was registered to: PV Holding Corp (Avis Budget Group), 6 Sylvan Way, Parsippany NJ 07054.

Continuing the same day, I contacted Robert Doyle, Corporate Security, Avis / Budget Group, 300 Center Pointe Drive, Virginia Beach, VA 23462, Tel: 757-687-2466. Doyle confirmed the aforementioned vehicle rented by Gaspar under the alias of "Jason VILLA", was in fact a fraudulent purchase and confirmed the rental had been picked up effective March 20, 2008, from New Orleans Airport.

Later in the day on 03/25/08, Cpt. Randy Courtney and Sgt. Brian Mosley of GPD provided me with 45 counterfeit credit and debit cards recovered from suspect Gaspar's possession. Sgt. Mosley advised the cards were found to be hidden beneath some socks stuffed in shoe within Gaspar's vehicle.

The following is a list of the recovered counterfeit credit / debit cards, all of which are imprinted with Gaspar's alias name: Jason VILLA and the respective banks detailed below:

4635 0000 1709 5444	BANK OF AMERICA	JASON VILLA
4239 0666 0026 6857	BANK OF AMERICA	JASON VILLA
5438 0500 1073 1996	BANK OF AMERICA	JASON VILLA
5480 1208 2485 2143	BANK OF AMERICA	JASON VILLA
4060 4255 2754 7564	BANK OF AMERICA	JASON VILLA
5455 3482 2055 9399	BANK OF AMERICA	JASON VILLA
4355 4502 6004 4581	LASALLE BANK	JASON VILLA
4828 5360 3563 4026	LASALLE BANK	JASON VILLA
4266 9020 1896 0177	LASALLE BANK	JASON VILLA
4147 2020 3009 5044	LASALLE BANK	JASON VILLA
4411 0312 1029 5853	LASALLE BANK	JASON VILLA
4217 6614 0313 4224	CHASE PLATINUM	JASON VILLA
4308 1503 5002 3861	CHASE PLATINUM	JASON VILLA
4060 4255 3443 4145	CHASE PLATINUM	JASON VILLA
4024 1151 8273 4780	CHASE PLATINUM	JASON VILLA
4060 4271 0406 2538	CHASE PLATINUM	JASON VILLA
4828 5516 3616 7045	CHASE PLATINUM	JASON VILLA
4003 4426 8290 3045	CHASE PLATINUM	JASON VILLA
4266 8410 7339 6200	CHASE PLATINUM	JASON VILLA
4828 6304 0019 0027	CHASE PLATINUM	JASON VILLA
4616 5700 4739 1073	CHASE PLATINUM	JASON VILLA
4011 7400 0304 9947	CHASE PLATINUM	JASON VILLA
4862 3626 8059 3020	CHASE PLATINUM	JASON VILLA

4190 0230 0962 9555	CHASE PLATINUM	JASON VILLA
4266 9020 1728 8455	CHASE PLATINUM	JASON VILLA
4316 9206 6020 3522	CHASE PLATINUM	JASON VILLA
4366 1892 9804 2418	US BANK	JASON VILLA
4246 3151 2732 4034	US BANK	JASON VILLA
5455 3482 9039 1954	US BANK	JASON VILLA
4246 3151 2537 4924	US BANK	JASON VILLA
4919 7200 0003 6926	US BANK	JASON VILLA
5438 0500 6458 5892	US BANK	JASON VILLA
5455 3482 2368 1745	US BANK	JASON VILLA
4264 2950 8258 9598	US BANK	JASON VILLA
4011 7400 0348 0886	US BANK	JASON VILLA
4024 1151 8273 4780	US BANK	JASON VILLA
4046 6999 9092 5551	US BANK	JASON VILLA
4281 7804 0485 8343	US BANK	JASON VILLA
4417 1630 0452 2111	US BANK	JASON VILLA
4828 8013 4867 5011	US BANK	JASON VILLA
4808 0170 0280 7428	US BANK	JASON VILLA
5455 3482 1350 4896	US BANK	JASON VILLA
4300 2300 4029 2890	US BANK	JASON VILLA
5424 1807 0402 1648	US BANK	JASON VILLA
5187 5201 9839 2285	US BANK	JASON VILLA

Gaspar was interviewed on 03/21/08, while being held in the custody of the Butler County Jail awaiting his initial appearance on Alabama State Drug Charges. Sgt. Mosley stated that suspect Gaspar waived his Miranda rights and right to counsel and agreed to be voluntarily interviewed and furthermore, provided a signed, sworn, written statement pertaining to the events that lead to his arrest by GPD.

Gaspar provided his identifiers along with a social security number he claimed was his, which was later identified as being incorrect. Gaspar stated that he lived at: 2739 Lincoln Lane, Antioch, CA 94507, and provided an Alabama telephone number which he claimed was his mother's: 334-741-5738. Gaspar stated that he worked as a waiter for a restaurant called "Tranica" in Antioch, California, but claimed he could not recall the street address and telephone number. An online web based search for the restaurant met with negative results.

Gaspar admitted to possessing self described "weed" that was found in his car.

Gaspar was questioned pertaining to his illegal possession and use of 45 counterfeit credit/debit cards that were found pursuant to a "consent" search of his rental vehicle.

Gaspar admitted possessing the aforementioned cards, but claimed that he "did not make the cards", nor did he "know how to make them".

During further questioning, Gaspar stated that, on 03/12/08 while he was in Los Angeles, CA, he met a "Mexican male" individual known to him as "Diego" at a bar. Gaspar stated that "Diego" paid for everything for him and took him on a shopping spree. Gaspar claimed that "Diego" then approached him and asked him to do some "errands" for him and asked if he "wanted to take some fake cards to a guy in Atlanta, GA" for him. Gaspar stated that "Diego" said he'd give him \$1,000.00 for transporting the fake credit cards to Atlanta for him. Gaspar stated that he agreed to conduct the delivery and reported that later, "Diego" came

to Gaspar's hotel room in Los Angeles. "Diego" reportedly took Gaspar's photograph for a "fake ID" that "Diego" claimed he was going to make and told Gaspar he would be back in a few days.

Gaspar relayed that on 03/17/08, he again met with "Diego" at his hotel room and received an "envelope" from "Diego" which contained the aforementioned 45 "fake credit cards". Gaspar further stated that "Diego" gave him a "fake ID" with his facial photograph on it, which was determined by law enforcement to be a counterfeit California driver's license with the name of "Jason VILLA" on it.

Gaspar also advised that he was given a shopping list of electronic items and computer encompassing a retail value of between \$15,00.00 to \$20,000.00 that he was supposed to collect from an individual known as "Mike" in Atlanta in exchange for the 45 credit cards and then drive the merchandise back to Los Angeles. Gaspar claimed he did not know how and where to reach "Mike", but was supposed to call him, but could not provide a telephone number for him when questioned. Gaspar admitted to using some of the fake cards for his own use during the days after "Diego" had provided the cards to him.

Gaspar said he purchased a bus ticket, a copy of which he was unable to produce, but relayed that he rode a bus from Los Angeles to New Orleans carrying with him the fake cards and fake license.

Gaspar stated that after arriving in New Orleans, he then rented a car at Avis using one of the fake credit cards (reference is made to the verification of this transaction by Robert Doyle, Corporate Security, Avis / Budget Group – who confirmed that a fraudulent reservation / transaction that took place at the New Orleans Airport on 03/20/08 under Gaspar's alias "Jason Villa" and alias CA OLN: N4318527, address: 1425 Skyline Drive, Laguna Beach, CA 29677,



in conjunction with a MasterCard in the name of: Jason VILLA: 5187 5201 9839 2285).

Specifically, Gaspar stated that each of the bank cards was fully functional and detailed that those with an embossed account number on the front had a street value of \$300.00 and those both embossed and encoded with functional track data on the rear, were reportedly worth \$500.00 per card on the street. Gaspar admitted to having used at least two of the cards, one for the Avis car rental purchase in New Orleans, LA, and the second for a food and drink purchase in Mobile, AL, prior to being stopped in Greenville, AL. Gaspar stated that "Diego" had told him he could use the cards for his own use during the trip. (Receipts for both fraudulent purchases were located in Gaspar's vehicle.)

A review of each of the 45 aforementioned bank cards yielded that some of the magnetic strips on the rear of the cards were encoded with Bank Identification Numbers belonging to numerous different financial institutions other than those printed / embossed on the front of the cards as detailed above. To date, investigation conducted thus far has revealed that, of the 45 counterfeit cards, 42 cards are believed to contain legitimate compromised victim accounts, encompassing in excess of fifteen different financial institutions.

Continuing on 03/25/08, 03/26/08, and 03/27/08, I made notifications of the aforementioned fraudulent / counterfeit credit and debit card compromises to the following victims and banking institutions; AVIS Car Rentals, VISA, MasterCard, Arvest Bank, Bank of America, LaSalle Bank, JP Morgan Chase Bank, Wells Fargo, USAA, CitiFinancial, US Bank, Wachovia Bank, Regions Bank, Whitney Bank, and Cabella's Club VISA (World's Foremost Bank). Multiple accounts remain under investigation at this time.

On 03/26/08, I received a telephone call from Jeremy Geisel, Regional Fraud Investigator, Chase BankCard Services, 4900 Memorial Hwy #FL2-3401, Tampa, FL 33634, Tel: (813) 584-3074, Fax: (813) 584-3185, email: Jeremy.R.Geisel@jpmchase.com.

Geisel relayed that he had confirmed that Chase Bank was the financial victim of fraudulent use of legitimate account numbers, specifically account numbers: 4266841073396200, 4147202030095044, 4266902017288455.

Geisel stated that two of the account numbers had attempted fraudulent purchases made in the New Orleans area on the same day that Gaspar successfully rented a car.

4266841073396200, two attempted purchases made; Target Stores and Avis Car Rental, both declined on 03/20/08.

4147202030095044, one attempted purchase at Enterprise Car Rental, declined on 03/20/08.

Geisel advised he had conducted a search of all recent transactions in an effort to determine a common point of purchase for each of the cards and as a result, Geisel believed that all three cards were possibly compromised at Trinacria Trattoria Restaurant in New Orleans, LA.

Geisel stated that Chase Bankcard Services is the financial victim in this case as they had paid the merchants for the respective charges and requested full restitution in the amount of \$1,361.61. JP Morgan Chase Bank is FDIC insured. Chase Bankcard Services is not compensated for any loss by insurance claims.

On 03/26/08, USSS / ISD conducted a record check in an effort to verify and/or determine who resides at Gaspar's reported address: 2739 Lincoln Lane, Antioch, CA 94507. The search yielded several individuals with the last name of Gaspar, none of which matched the

first and/or middle name of the suspect. It is unknown if these individuals are relatives of the suspect.

On 03/26/08, a review of Alabama Criminal Justice Information System, LETS, yielded a record for "Anna Marie GASPAR", DOB: 03/11/1966, with a listed address of: 1253 Lee Road 36, Opelika, AL 36804.

On 03/26/08, I received a telephone call from a CA DMV representative pertaining to my request for verification of suspect Gaspar's CA driver's license. Sandy Swift, Senior Motor Vehicle Technician employed within the California Driver's License Fraud Analysis Unit, Tel: 916-657-2291, confirmed that Gaspar's legitimate issued CA DL was that of, OLN: D5745273 (Iss. 03/07/2006, Exp. 01/17/2009), DOB: 01/17/1985, with a listed address of: 2739 Lincoln Lane, Antioch, CA 94507.

Furthermore, Swift advised that the Alias CA DL in the name of "Jason Villa", OLN: N4318527 (containing the facial photograph of suspect Gaspar), was, in fact, a counterfeit license, albeit containing a legitimate driver number, which was identified as belonging to another CA driver / victim named: Sally Marie HARBERT. Swift advised the victim would be notified of their compromised identity and driver's license number and stated that HARBERT would be requested to obtain a new license. Swift also stated this information would be forwarded to a CA DMV Fraud Investigator for further research and investigation. It should also be noted that no records were found matching the name "Jason VILLA" and DOB: 02/15/1981.

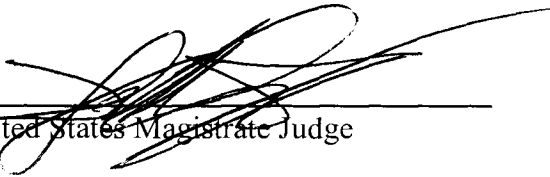
**CONCLUSION**

Based upon the facts set forth herein, I believe, and respectfully submit that there is probable cause to believe, that evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 1029(a) (1) (2) (3) (5), 18 U.S.C. § 1028A(a)(1), and 18 U.S.C. § 1344 (1) (2) are met within the investigation conducted to date.



Trevor Fenwick, Affiant  
United States Secret Service

Sworn to and subscribed before  
me this 28<sup>th</sup> day of March, 2008.



United States Magistrate Judge